

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

2008 JUL 14 AM 9:44
 CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Magistrate Case Number:)

'08 MJ2121

Plaintiff,)

COMPLAINT FOR VIOLATION OF)

v.)

Title 21, U.S.C., Sections 952 and 960)

Importation of a Controlled Substance)

Pablo)

MADRIS-Quintana)

Defendant,)

The undersigned complaint being duly sworn states:

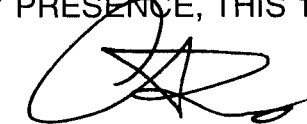
On or about July 13, 2008, within the Southern District of California, Pablo MADRIS-Quintana, did knowingly and intentionally import approximately 105.20 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
 SPECIAL AGENT Scott Lensky
 U.S. IMMIGRATION and
 CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JULY, 2008.



MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

Summary of Defendant's Post-Arrest Statement

On July 13, 2008, at approximately 1036 hrs, at the San Ysidro Port of Entry, CBP Officer J. Cruz was assigned to Primary Bus lane number 1 when driver, Pablo MADRIS-Quintana, applied for admission into the United States in a white 1990 Setra bus bearing CA/US license plates 8J86312. CBP Officer Cruz noticed MADRIS's visa classification was uncommon for bus drivers as he was a "H2B" and working for petitioner "J S Concessions". MADRIS presented a newly issued Mexican Commercial Drivers License. CBP Officer Cruz received two negative declarations from MADRIS. CBP Officer Cruz asked MADRIS where he was going and MADRIS stated "San Diego". During his Primary Inspection of the bus CBP Officer Cruz noticed the markings on the bus had been recently changed and the new markings were off center and appeared to have been improvised and were not done professionally. CBP Officer Cruz inspected the interior of the bus and noticed the aisle was narrow and there was tampering and missing screws on the roof of the bus. CBP Officer Cruz then radioed for assistance and a Canine screening of the bus. CBP Canine Enforcement Officer Stuart Hersey responded and inspected the bus using his Narcotic Detector Dog "Dada". CBP CEO Hersey reported his canine alerted. CBP Cruz escorted MADRIS to the Security Office and the bus was turned over to Anti-Terrorism Contraband Enforcement Team (ATCET) Officers for an intensive inspection.

CBP Canine Enforcement Officer Stuart Hersey and his detector dog "Dada" were assigned to canine inspection duties at the San Ysidro POE. At approximately 1050 hours, while conducting a canine screening of a white Mercedes tour bus, "Dada" alerted to the fuel tank on the drivers side. CBP CEO Hersey notified Secondary Officers of the alert. CBP CEO Hersey then requested the key to the fuel door. Secondary Officers retrieved the key and after several attempts were able to open the fuel door. After removing the fuel tank cap, what appeared to be sheet metal boxes were visible inside the fuel tank.

The Mercedes bus bearing CA/US license plates 8J86312 was referred to secondary for further inspection. A search conducted at secondary by CBP Officer Jesus Segovia revealed twenty packages in the gas tank of the bus. A random package was probed, and it field tested positive for marijuana. A total of twenty packages were removed from the vehicle, with a weight of approximately 105.20 kilograms (231.44 pounds).

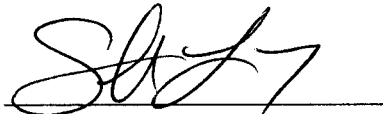
On July 13, 2008, at approximately 1647 hours, ICE Special Agent Scott Lensky and CBP Officer Michelle Webster approached MADRIS in a detention cell at the San Ysidro POE. MADRIS was Mirandized in the presence of those agents, waived his rights and executed a written waiver indicating his agreement to answer questions without the presence of an attorney. Due to the circumstances beyond the agent's control, the interview was terminated until a Spanish interpreter was available to conduct the interview.

On July 13, 2008, at approximately 1828 hours, ICE Special Agent Scott Lensky and San Diego Police Officer Martha Gasca approached MADRIS. MADRIS was reminded of the

Miranda Rights read and explained to him earlier. MADRIS was still willing to speak to agents, and a video-recorded interview of the defendant was conducted in the Spanish language at approximately 1828 hours. During the interview, MADRIS appeared to be healthy and did not appear to be intoxicated, ill, or under the influence of narcotics. He was alert, responsive, and appeared capable of communicating, and he offered appropriate responses to questions. He did not appear to be unusually nervous or fearful. No promises or threats were made to elicit MADRIS's statement. During the interview, MADRIS made the following statements:

MADRIS stated he was recruited by an individual known to him as "Sapo" Last Name Unknown (LNU). MADRIS was going to be paid \$2000 to drive the marijuana-laden vehicle into the United States. MADRIS was supposed to drive the vehicle to the San Diego Zoo and leave the vehicle in the parking lot. MADRIS stated he knew there was marijuana in the vehicle.

MADRIS was instructed to pick the bus and approximately 20 passengers in a bus yard in Ensenada, Mexico. MADRIS was to drive the vehicle to the San Diego Zoo and he was to leave the vehicle in the parking lot. MADRIS and the passengers were going to enter the zoo and were going to return to the vehicle after approximately 5 hours. MADRIS was to be paid for the smuggling venture upon his return to Ensenada, Mexico. MADRIS stated he needed the money to pay for college for his children.



Scott Lensky
Special Agent
U.S. Immigration & Customs Enforcement